

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF HANEY) APPEAL NO. 06-A-2048
FAMILY REVOCABLE TRUST from the decision of the) FINAL DECISION
Board of Equalization of Ada County for tax year 2006.) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing September 26, 2006, in Boise, Idaho, before Hearing Officer Sandra Tatom. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Tim Haney appeared for himself. Chief Deputy Assessor Marilee Fuller and Appraiser Tina Winchester appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization (BOE) modifying the protest of the valuation for taxing purposes of property described as Parcel No. R0799250120.

The issue on appeal is the market value of a residential property, specifically the value attributable to the land.

The decision of the Ada County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$550,000, and the improvements' valuation is \$529,000, totaling \$1,079,000. Appellant requests the land value be reduced to \$393,750, and the improvements' value remain at \$529,000, totaling \$922,750. The Board of Equalization reduced the land value from \$700,000 to \$550,000 and left the improvements' value unchanged.

Subject is 1.12 acres of land located on the "rim" in Eagle, Idaho with a 5,600 square foot single-family dwelling built in 1999. This Eagle, Idaho lot has views of the foothills and a golf course.

Taxpayer argued the increase in assessed land value is not warranted, and submitted news articles regarding a downturn in the current real estate market. Appellant also submitted property details for parcels from the Ada County website noting that residences similar to subject were listed for sale or were sold for a price lower than the assessed value. Respondent explained that sometimes adjustments to property values are not updated on the Ada County website.

Respondent submitted three sales which were similar to subject to support the assessed value. Two of the sales were in the same subdivision as subject, the third sale was located in a subdivision in close proximity to subject. The County submitted an appraisal worksheet displaying adjustments made to the comparable sales for differences in age, rim versus non-rim location, total square footage, number of bathrooms and fireplaces, and garage size. The adjusted prices per square foot range from \$191 to \$201 per square foot. Subject was valued at \$190 per square foot.

Respondent submitted a graph of 2005 land sales in the Eagle area. The graph demonstrated land had increased in value 243.6% in 2005. Respondent also submitted a map displaying current land sales, listing six sales that occurred near the January 1, 2006 lien date. The sales were in close proximity to subject, but not in subject's subdivision. The six sales ranged in price from \$260,000 to 550,000 per lot. The last vacant lot sale in subject subdivision was in 2004 for \$450,000.

Respondent submitted a plat map of surrounding lots to subject to demonstrate the assessed values are uniform amongst similar view lots.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code Section 63-208. Rules pertaining to market value – Duty of Assessor. Rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes.

Idaho Code Section 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant did not offer any appraisal or other factual information pertaining to the market value of the subject property on January 1, 2006. Appellant's case was constructed around assessed values and the claim that the subject land value was assessed too high based on the listing or sold prices of other homes in the same area as subject. However, no details for comparison to the subject was submitted for the Board to consider.

Respondent submitted both vacant land sales and improved property sales to support the assessed value increase. The County submitted three comparable sales similar to the subject in location and size to support subject's value after adjusting for differences. The plat map submitted by Respondent indicates the land values in the subject subdivision are uniform. Other evidence demonstrates subject's land and improvement valuations are based

on comparable residential sales and land sales. The Board finds that the assessed value of subject does not exceed market value, and the assessed value has not been demonstrated to be in error.

Idaho Code §63-511(4). Appeals from county board of equalization.

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke such other remedies, and issue such orders in accordance with its decision, as appropriate. *(Emphasis added.)*

The Appellant did not prove by a preponderance of evidence that the relief claimed was warranted. Therefore, this Board will affirm the decision of the Ada County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 1st day of February, 2007.